



Rep. Jack D. Franks

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09700HB3884ham001

LRB097 14621 CEL 66298 a

1 AMENDMENT TO HOUSE BILL 3884

2 AMENDMENT NO. _____. Amend House Bill 3884 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Overhead Utility Facilities Damage Prevention Act.

6 Section 5. Findings. The General Assembly recognizes that
7 it is a goal of this State to provide residents with safe and
8 reliable electric service. The General Assembly finds that
9 certain vegetation poses serious hazards to electric utility
10 power lines. Specifically, the General Assembly finds that
11 electric power outages related to the interference of
12 vegetation are often caused by the planting of tall-growing
13 tree species near electric utility power lines. As a result,
14 the General Assembly finds that it is necessary to impose
15 regulations regarding the placement of these trees when
16 planting these trees and to provide procedures for the electric

1 utilities' maintenance and removal of such trees, which will
2 reduce power outages and increase reliability of electric
3 service.

4 Section 10. Definitions. For the purposes of this Act:

5 "Approved vegetation" means any tree with a mature height
6 that is less than 25 feet as identified in the most recent
7 version of "Manual of Woody Landscape Plants" by Michael Dirr.

8 "Commission" means the Illinois Commerce Commission.

9 "Electric utility" has the same meaning as set forth in
10 Section 16-102 of the Public Utilities Act.

11 Section 15. Approved vegetation. It shall be lawful for any
12 person to plant approved vegetation within 20 feet of an
13 electric utility pole or overhead electrical conductor with a
14 nominal voltage rating of 100 kilovolts or less, excluding
15 single customer overhead service wires, located within the
16 State. Any vegetation that is not approved vegetation planted,
17 whether by a person or by natural means, within 20 lateral feet
18 of an electric utility pole or overhead electrical conductor
19 with a nominal voltage rating of 100 kilovolts or less,
20 excluding single customer overhead service wires, located
21 within the State shall be subject to the removal procedures
22 established pursuant to the rulemaking proceeding conducted in
23 accordance with Section 25 of this Act.

1 Section 20. Notice regarding approved vegetation. Each
2 electric utility shall provide on its website educational
3 material that encourages the planting of approved vegetation
4 near utility poles and overhead electrical conductors. Twice a
5 year, in May and September, each electric utility shall include
6 with its billing statements an insert that provides a notice
7 and shall also cause the notice to appear in newspapers of
8 general circulation adequate to cover the utility's service
9 area. The notice shall provide:

10 "It is only lawful for a person to plant any tree with
11 a mature height that is less than 25 feet within 20 lateral
12 feet of an electric utility pole or overhead electrical
13 conductor with a nominal voltage rating of 100 kilovolts or
14 less, excluding single customer overhead service wires,
15 located within Illinois. Violators may be subject to the
16 removal of the non-approved vegetation pursuant to the
17 removal procedures established under Section 25 of the
18 Overhead Utility Facilities Damage Prevention Act."

19 Section 25. Rulemaking to establish removal procedures.
20 Within 180 days after the effective date of this amendatory Act
21 of the 97th General Assembly, the Commission shall initiate a
22 rulemaking proceeding to establish rules regarding:

23 (1) an electric utility's removal of non-approved
24 vegetation planted after the effective date of this
25 amendatory Act of the 97th General Assembly, including, but

1 not limited to, permitting the electric utility to remove
2 the non-approved vegetation without replacement;

3 (2) an electric utility's removal of non-approved
4 vegetation planted prior to the effective date of this
5 amendatory Act of the 97th General Assembly, provided that
6 in the electric utility's judgment the electric utility's
7 standard pruning to ANSI A300 standards does not adequately
8 mitigate the risk that the vegetation poses to reliable
9 electric service;

10 (3) an electric utility's removal of non-approved
11 vegetation planted by natural means both before and after
12 the effective date of this amendatory Act of the 97th
13 General Assembly, including, but not limited to,
14 permitting the electric utility to remove the non-approved
15 vegetation without replacement; and

16 (4) an electric utility's removal of non-approved
17 vegetation planted by natural means prior to the effective
18 date of this amendatory Act of the 97th General Assembly,
19 provided that in the electric utility's judgment the
20 electric utility's standard pruning to ANSI A300 standards
21 does not adequately mitigate the risk that the vegetation
22 poses to reliable electric service.

23 Section 30. Interference with utility maintenance and
24 removal of vegetation. It shall be unlawful for any person to
25 interfere with an electric utility, including, but not limited

1 to, its employees and contractors, while the electric utility
2 is performing vegetation management and removal activities
3 pursuant to this Act or Section 8-505.1 of the Public Utilities
4 Act, including, but not limited to, tree trimming and tree
5 removal activities.

6 Section 35. Commission enforcement. The Commission shall
7 have the power and jurisdiction to enforce the provisions of
8 this Act by including in the rules adopted under Section 25 of
9 this Act a schedule of charges that an electric utility may
10 assess for the removal of non-approved vegetation planted after
11 the effective date of this Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."